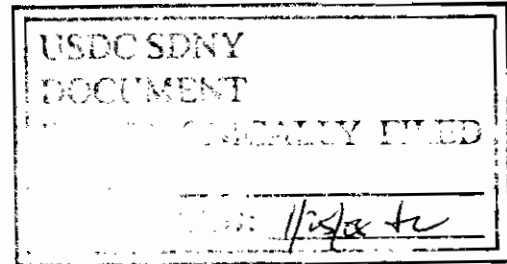


JONES/T

John Eric Olson (JO#4394)  
Hill Rivkins & Hayden LLP  
Attorneys for Plaintiff  
45 Broadway  
New York, NY 10006



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
CNA INSURANCE COMPANY LIMITED,

Plaintiff,

Index No.  
07 Civ. 9919  
Judge Jones

-against-

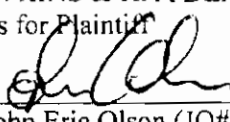
**Stipulation of  
Discontinuance**

MERCER TRANSPORTATION CO. INC.

Defendant.  
-----X

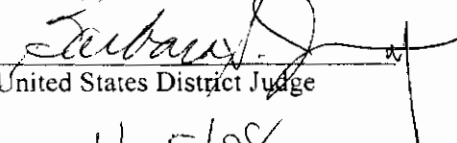
**PLEASE TAKE NOTICE** that defendants not having answered, appeared or otherwise moved that pursuant to Rule 41 of the Federal Rules of Civil Procedure that plaintiff, CNA INSURANCE COMPANY LIMITED, by its attorneys, Hill Rivkins & Hayden LLP, hereby dismisses the captioned action without prejudice.

Dated: New York, New York  
January 24, 2008

HILL RIVKINS & HAYDEN LLP  
Attorneys for Plaintiff  
By:   
John Eric Olson (JO#4394)

45 Broadway, Suite 1500  
New York, NY 10006-3739

SO ORDERED:

  
United States District Judge  
1/25/08